

Government of the District of Columbia

District Department of the Environment
Office of the Director

District of Columbia Department of Health
Office of the Director



September 24, 2008

VIA E-MAIL AND FIRST-CLASS U.S. MAIL

Mr. Abraham Ferdas
Director
Waste & Chemicals Management Division
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103

Re: District of Columbia Comments on EPA Notice of Intent to Issue an Administrative Order on Consent Under Section 7003 of the Resources Conservation and Recovery Act and the Hazardous Waste and Solid Waste Amendments Act of 1984, August 25, 2008.

Dear Mr. Ferdas:

The District has reviewed EPA's "Notice of Intent to Issue an Administrative Order on Consent ("AOC") between EPA and Chevron U.S.A. Inc., August 25, 2008." Attached please find comments on such Order prepared on behalf of the District of Columbia by the Department of Health and the District Department of the Environment.

The District has two areas of concern with the above-referenced EPA Order. The first area of concern relates to EPA's standards for the identification of homes which qualify for the installation of a vapor mitigation system ("VMS").

While the District supports EPA's immediately requiring that Chevron install VMS' in the homes EPA has already identified as having indoor air benzene concentrations exceeding EPA's standards, the District also requests that EPA consider, based on the attached comments, whether there may be additional homes which also qualify for installation of a VMS because their indoor air benzene concentrations also exceed EPA's standards. The AOC states that an individual VMS will be installed in "homes above the plume where measured indoor air concentrations have exceeded EPA's standards." We are concerned that:

- The EPA "standard" for benzene is based on an inflated background concentration that overestimates the ambient concentration of benzene for each Riggs Park home; and

- EPA has not calculated the cumulative cancer risk or hazard index for Riggs Park residents.

With regard to the background concentration, we are concerned with the “proxy” EPA has selected for use as representative of background (indoor air concentrations from homes “off-plume”). Even assuming that the “proxy” EPA has selected is correct, we are concerned that EPA may have inadvertently derived its background concentration based upon the 95th percentile of concentrations measured in homes “off-plume,” rather than the 5th percentile. This mathematical, or statistical, error, may have artificially inflated the benzene concentration EPA assumes is present in each home as being associated with ambient background levels not associated with the Chevron plume. By inflating the assumed background level, EPA may have raised the threshold for requiring remediation, and inadvertently screened out Riggs Park homes where a VMS should be installed.

Additionally, Riggs Park residents are being exposed to multiple toxic chemicals associated with the contaminated plume. When people are being exposed to multiple chemicals, EPA risk assessment guidance and risk management policies require EPA to calculate the cumulative cancer risks and hazard index to determine if they are at acceptable levels. EPA is not following its practice here. Instead, EPA is making decisions based on a chemical-by-chemical basis that assumes Riggs Park residents are being exposed to each chemical separately and independently from one another. The District requests that EPA calculate cumulative risk and health hazards for each residence, and base decisions regarding remediation on the results of such risk assessment.

The District’s second area of concern pertains to the type of technology which Chevron will use in its remediation of the site. The District requests that EPA direct Chevron to use the most aggressive remediation systems which are feasible for the location.

Thank you for providing us with the opportunity to comment. Please feel free to contact us should you need additional information or have any questions on the District’s comments. We would appreciate discussing these comments with you at another juncture. In the interim, we are pleased that the AOC should result in immediate attention to certain of the Riggs Park residences.

Sincerely,



George S. Hawkins
Director
District Department of the Environment



Pierre N.D. Vigilance, MD, MPH
Director
District Department of Health